

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11534-MAT

FILED
IN CLERK'S OFFICE
2005 JUN -2 P 13
DISTRICT COURT
DISTRICT OF MASS.

NELSON R. ROUETTE AND
JAY NEARIS,

Plaintiffs and
Counterclaim Defendants

vs.

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIEN DUBE,
AND NORM CREPEAU,

Defendants and
Counterclaim Plaintiffs

MACHINE & ELECTRICAL
CONSULTANTS, INC.

Third-Party Plaintiff

vs.

QUALITY MACHINE SOLUTIONS,
INC.

Third-Party Defendant

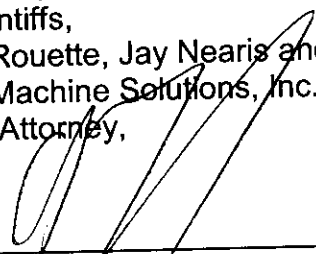
**PLAINTIFFS' MOTION TO COMPEL
DISCOVERY RESPONSES**

NOW COMES the Plaintiffs, Nelson Rouette and Jay Nearis, and pursuant to the provisions of Rule 37 of the Federal Rules of Civil Procedure and the Local Rules of District of Massachusetts, hereby requests that the Court order the Defendants, Machine Electrical Consultants, Inc., Fabian Dube, and Norman Crepeau to supplement their responses to the Plaintiffs' First Request for Production of Documents and First Set of Interrogatories.

AS REASONS THEREFORE, the Plaintiffs refer the Court to the attached Memorandum of Law filed herewith.

WHEREFORE, the Plaintiffs request that this Court enter an Order requiring the Defendants to produce the requested documents and Answers to Interrogatories within seven (7) days of the date of the Court's Order. In addition, the Plaintiffs request that this Court enter an Order requiring the Defendants to pay the costs incurred in bringing the within Motion, in an amount to be determined by the Court.

Respectfully submitted,
The Plaintiffs,
Nelson Rouette, Jay Nearis and
Quality Machine Solutions, Inc.,
By their Attorney,



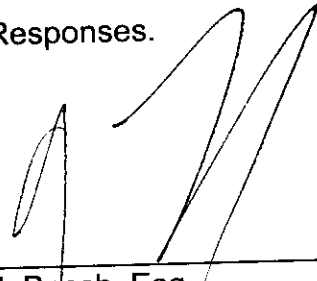
ADAM J. BASCH, ESQ.
BACON & WILSON, P.C.
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Ph: (413) 781-0560
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BBO# 655482
June 1, 2005

CERTIFICATION OF COUNSEL

I, ADAM J. BASCH, hereby certify that I made a good faith attempt to confer with the Defendants' counsel, Keith R. Jacques, to attempt to resolve or narrow the issues

pertaining to the within Motion. On or about June 22, 2004, I forwarded the Plaintiffs' First Request for Production of Documents from the Defendants and the Plaintiffs' First Set of Interrogatories propounded to the Defendants, to Attorney Jacques. Although this matter was transferred to the United States District Court, for the District of Massachusetts from the Hampden County Superior Court, thereby tolling the time period for the Defendants' response, the applicable time period began to run again on October 15, 2004, the date the parties completed their automatic disclosures. As such, these facts are viewed in a light most favorable to the Defendants', the discovery responses were due on or before November 15, 2004 and November 31, 2004, respectively.

Between November 31, 2004 and the present, I have had multiple communications with Attorney Keith Jacques, via telephone and via e-mail. To date, Attorney Jacques has failed and refused to supplement his Discovery Responses.




Adam J. Bosch, Esq.
Counsel to the Plaintiffs,
Nelson Rouette, Jay Nearis and
Quality Machine Solutions, Inc.

CERTIFICATE OF SERVICE

I, ADAM J. BASCH, hereby certify that on the 2nd day of June, 2005, I caused a copy of the foregoing to be served upon all interested parties by mailing a copy thereof, postage prepaid, first class mail to:

Keith R. Jacques
Smith Elliot Smith & Garmey, P.A.
199 Main Street
P.O. Box 1179
Saco, ME 04072



ADAM J. BASCH

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